

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYVA RESEARCH HOLDINGS, LLC,

Plaintiff,

v.

**WOODFOREST FINANCIAL GROUP,
INC.; WOODFOREST NATIONAL
BANK; WOODFOREST LEASING, INC.;
AND WOODFOREST FINANCIAL
SERVICES, INC.,**

Defendants.

Civil Action No. 2:13-cv-412

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which CYVA Research Holdings, LLC (“CYVA” or “Plaintiff”) makes the following allegations against WoodForest Financial Group, Inc. (“WF Group”), WoodForest National Bank (“WF Bank”), WoodForest Leasing, Inc. (“WF Leasing”), and WoodForst Financial Services, Inc. (“WF Services”) (collectively, “Defendants,” and individually, “Defendant”):

PARTIES

1. Plaintiff CYVA is a Texas limited liability company, having a principal place of business of 7005 Chase Oaks Blvd., Suite 180, Plano, TX 75025.
2. Defendant WF Group is a corporation organized and existing under the laws of the State of Texas, with its principal place of business located at 1330 Lake Robbins Drive, Ste. 150, The Woodlands, TX 77380. WF Group may be served via its registered agent for service of process: James D. Dreibelbis, 23251 Grogan’s Mill Rd., Ste. 100, The Woodlands, TX 77380.

3. Defendant WF Bank is a wholly owned subsidiary of WF Group and a Texas State Financial Institution, with its principal place of business at P.O. Box 2889, The Woodlands, TX 77387. WF Bank may be served via its registered agent for service of process: Kelly Holmes, 1330 Lake Robbins Dr., Ste. 150, The Woodlands, TX 77380.

4. Defendant WF Leasing is a wholly owned subsidiary of WF Group and a corporation organized and existing under the laws of the State of Texas, with its principal place of business at 1330 Lake Robbins Dr., Ste. 150, The Woodlands, TX 77380. WF Leasing may be served via its registered agent for service of process: Robert Marling, 1330 Lake Robbins Dr., Ste. 100, The Woodlands, TX 77380.

5. Defendant WF Services is a wholly owned subsidiary of WF Group and a limited liability company organized and existing under the laws of the State of Texas, with its principal place of business at P.O. Box 24459, Houston, TX 77229. WF Services may be served via its registered agent for service of process: Thomas D. Williams, 13301 East Freeway, P.O. Box 24459, Houston, TX 77229.

JURISDICTION AND VENUE

6. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, each Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

8. On information and belief, each Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at

least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 5,978,440

9. Plaintiff is the owner by assignment of United States Patent No. 5,987,440 ("the '440 Patent") titled "Personal Information Security and Exchange Tool." The '440 Patent issued on November 16, 1999. A true and correct copy of the '440 Patent is attached as Exhibit A.

10. Upon information and belief, Defendants have been and are now infringing the '440 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, directly or through intermediaries, making, using, importing, providing, supplying, distributing, selling, and/or offering for sale apparatuses and systems for providing, a computer-implemented system for asserting informational privacy and self-determination, a plurality of electronic entities, each electronic entity comprising secured personal data and exchange rules governing access to said information, providing trusted processing between two electronic entities, for the purpose of securely computing each entity's privilege rules and determining whether an exchange of some or all personal data will occur, covered by one or more claims of the '440 Patent to the injury of CYVA. Defendants are directly infringing, literally infringing, and/or infringing the '440 Patent under the doctrine of equivalents. Defendants are thus liable for infringement of the '440 Patent pursuant to 35 U.S.C. § 271.

11. On information and belief, to the extent any marking was required by 35 U.S.C. §287, all predecessors in interest to the '440 Patent complied with any such requirements.

12. As a result of Defendants' infringement of the '440 Patent, Plaintiff has suffered monetary damages and is entitled to a money judgment in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the court, and Plaintiff will continue to suffer damages in the future unless Defendants' infringing activities are enjoined by this Court.

13. Unless a permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting on in active concert therewith from infringing the '440 Patent, Plaintiff will be greatly and irreparably harmed.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed the '440 Patent;
2. A permanent injunction enjoining Defendants and their officers, directors, agents servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '440 Patent, or such other equitable relief the Court determines is warranted;
3. A judgment and order requiring Defendants pay to Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '440 Patent as provided under 35 U.S.C. § 284, and an accounting of ongoing post-judgment infringement; and
4. Any and all other relief, at law or equity, to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

CYVA, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

DATED May 15, 2013.

Respectfully submitted,

By: \s\ Hao Ni

Hao Ni

Texas Bar No. 24047205

hni@nilawfirm.com

Timothy T. Wang

Texas Bar No. 24067927

twang@nilawfirm.com

Neal G. Massand

Texas Bar No. 24039038

nmassand@nilawfirm.com

Stevenson Moore V

Texas Bar No. 24076573

smoore@nilawfirm.com

Ni, Wang & Associates, PLLC

8140 Walnut Hill Ln., Ste. 310

Dallas, TX 75231

Tel: (972) 331-4600

Fax: (972) 314-0900

**ATTORNEYS FOR PLAINTIFF CYVA
RESEARCH HOLDINGS, LLC**